

Attachment to Independent Case Review Report
for CDRU # 168 Case File # 95-268773.

Material Examiner Malone (RO)

Remarks:

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 8:00A (Time), 5/19/99 (Date)

File #: 95-268773

Laboratory #(s): 50830042

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): UNKNOWN Pages: 34-49

Laboratory Report(s):

Laboratory Number: 50830042 Date: 10-30-85

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: RQ UNKNOWN TECHNICIAN

Laboratory Number: 50830042

Laboratory Number: _____

Laboratory Number: _____

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Initials: SR

Was any other material reviewed? ☒ Yes

☐ No

If yes, please identify and/or describe the material: LETTER DATED 8-23-85 FROM

SUBMITTING AGENCY

Results of Review

File #: 95-268773

Item or Specimen # Reviewed: Q2, Q4, K1-K10

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☒ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials SJA

95-268773

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

#1. INSUFFICIENT DOCUMENTATION TO DETERMINE IF HAIR COMPARISON WAS
DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER

#2. THE RESULTS STATED IN THE LABORATORY REPORT ARE NOT
ADEQUATELY DOCUMENTED IN THE BENCH NOTES. NOTES ARE NOT
DATED. REVIEWER IS UNABLE TO INTERPRET EXAMINER'S NOTES DUE
TO HIS USE OF ABBREVIATIONS. REPORT STATES THAT 1 PUBIC HAIR
AND 2 HEAD HAIR FROM Q2 ARE CONSISTENT WITH VICTIM, BUT
EXAMINER NOTES INDICATE 2 PUBIC HAIR AND 1 HEAD HAIR WORE ON
Q2 WHICH MATCHED VICTIM.

#3. TESTIMONY THAT IT'S "HIGHLY UNLIKELY" HAIR ON VICTIM'S BRA (Q4)
CAME FROM SOMEBODY ELSE THAN [REDACTED] IS MUCH STRONGER THAN
THE OPINION STATED IN THE REPORT AND EARLIER TESTIMONY THAT

Review completed at: 9:15A (Time). 5/18/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/4 HOUR

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Polviter
(Signature)

5-18-99
(Date)

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Initials SP

b6
b7C

Additional Comments
(Set forth by question #, if applicable)

File #: 95-268773

b6
b7C

#3(Cont'd) THE HAIR "IS CONSISTENT" WITH HAVING ORIGINATED FROM
[REDACTED]

EXAMINER TESTIFIED THAT HAIR MUST HAVE AT LEAST 15
CHARACTERISTICS TO HAVE VALUE FOR COMPARISON. REVIEWER
KNOWS OF NO SCIENTIFIC BASIS FOR THIS

#4. EXAMINER TESTIFIED "I" REMOVED THE HAIR AND PLACED
THEM ON GLASS MICROSCOPE SLIDES. NOTES INDICATE THIS
WAS DONE BY A TECHNICIAN.

*PLEASE NOTE THAT, ACCORDING TO AVAILABLE TRANSCRIPT, NO
TESTIMONY CONCERNING THE Q2 HAIR COMPARISON AND MATCH
WAS SOLICITED OR GIVEN.